22ND JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. TAMMANY

STATE OF LOUISIANA

2015-13020

DIVISION: 3

STATE OF LOUISIANA-DIVISION OF ADMINISTRATION,
OFFICE OF COMMUNITY DEVELOPMENT,
DISASTER RECOVERY UNIT –
HAZARD MITIGATION GRANT PROGRAM

FILED

VS.

JUL 2 3 2015

ESSIE L. ROBERTSON AND GEORGE ROBERTSMALISE PRIETO- CLERK

Deputy S/Addi. Systelan

PETITION FOR DECLARATORY JUDGMENT AND FOR JUDGMENT TO RECOVER HAZARD MITIGATION GRANT PROGRAM FUNDS

NOW INTO COURT, through undersigned counsel, comes Petitioner, the State of Louisiana, Office of Community Development, Disaster Recovery Unit - Hazard Mitigation Grant Program (hereinafter "HMGP"), which respectfully files this Petition for Declaratory Judgment and for Judgment to Recover Hazard Mitigation Grant Program Funds. In support, HMGP respectfully represents:

1.

The Defendants in this case are Essie L. Robertson and George Robertson, majors domiciled in St. Tammany Parish, who voluntarily participated in HMGP to mitigate their home after Hurricane Katrina.

2.

HMGP is a mitigation program funded by FEMA and is administered by the State of Louisiana, the grantee. HMGP assists homeowners whose homes were damaged as a result of Hurricanes Katrina and Rita. It also helps homeowners in coastal Louisiana protect their form damage which may occur in future natural disasters by elevating their homes, resonstructing safer structures, or installing individual mitigation measures. The State of Louisiana serves as the funding vehicle by which FEMA funds are awarded to eligible homeowners.

3.

Defendants executed a Voluntary Participation Agreement (hereinafter "VPA") on April 15, 2010 to participate in HMGP and to receive an HMGP grant. Defendants also agreed to comply with all HMGP guidelines, which includes using HMGP funds for their intended purpose. *Exhibit Λ*.

FEMA grant funds in the amount of \$9,475.50 (hereinafter "FEMA Grant Funds") were paid to Defendants by HMGP on or about May 25, 2010 for the specific purpose of Elevation Measures (hereinafter "Elevation") to their home located at 2648 Fifth Street, Slidell, LA 70458. *Exhibit B*.

5.

Photographs dated March 31, 2015 show that although the FEMA Grant Funds were received, Defendants' home was not elevated. *Exhibit C (in globo)*.

6.

Three (3) separate collection letters were mailed to Defendants at 2648 Fifth Street, Slidell, LA 70458, which was the address submitted by them when they applied for the HMGP grant. The first letter dated June 12, 2013 was sent by Certified Mail 7012 3050 0001 2091 4645 and informed Defendants that the FEMA Grant Funds had to be returned to the State of Louisiana. The Return Receipt was signed on June 17, 2013. *Exhibit D (in globo)*.

7.

The second letter dated February 5, 2015 was mailed to Defendants. Exhibit E (in globo).

8.

The third letter dated April 13, 2015 was mailed to Defendants. Exhibit F (in globo).

9.

Defendants have failed to respond to the letters and have failed to return the funds to the State.

10.

Defendants' failure to return the FEMA Grant Funds has resulted in Defendants owing to HMGP the unearned federal funds, which must be recovered by HMGP, the State program charged with distributing FEMA funds for mitigation projects.

11.

HMGP must account to FEMA for all funds issued to homeowners. Failure of HMGP to recover the FEMA Grant Funds from Defendants will result in reimbursement to FEMA being required by the State of Louisiana.

HMGP requests that the debt of \$9,475.50 owed by Essie L. Robertson and George Robertson to HMGP be recognized and that judgment in favor of HMGP be granted, directing

Defendant to return and pay the FEMA Grant Funds to the State, in full.

ALL PREMISES CONSIDERED, WHEREFORE, HMGP PRAYS:

- a. That this Honorable Court declare that Defendants, Essie L. Robertson and George Robertson, are non-compliant with the Voluntary Participation Agreement signed by them;
- b. That this Honorable Court declare that Defendants, Essie L. Robertson and George Robertson, are indebted to HMGP in the amount of \$9,475.50 because of their failure to elevate their home according to their agreement to abide by HMGP guidelines, including using HMGP funds for their intended purpose;
- c. That Defendants, Essie L. Robertson and George Robertson, be ordered to return the \$9,475.50 HMGP grant to HMGP, in full;
- d. That there be judgment rendered herein in favor of HMGP and against Defendants. Essie L. Robertson and George Robertson, in the full sum \$9,475.50;
- e. That Defendants, Essie L. Robertson and George Robertson, be assessed all costs and fees associated with this matter; and
- f. That the Court grant such other relief as is just and proper.

Respectfully submitted:

FOR HMGP:

PUBLIC ENTITY/FEE EXEMPT (La.R.S. 13:4521 and 13:5112)

La Koshia R. Roberts Bar Roll No. 26715

State of Louisiana, through its Division of Administration 2021 Lakeshore Drive, Suite 100

New Orleans, Louisiana 70122

Telephone: (504) 284-4022 Facsimile: (504) 284-4091 LaKoshia.Roberts@la.gov

T. Randolph Richardson (Special Counsel)

Bar Roll No. 11245

Law Office of T. Randolph Richardson 1010 Common Street, Suite 3000

New Orleans, LA 70112 Phone: 504-212-4163 Fax: 504-581-7083

Email: trichar994@aol.com

22ND JUDICIAL DISTRICT COURT FOR THE PARISH OF ST. TAMMANY

STATE OF LOUISIANA

NO:	2015-13020	DIVISION: _B	_
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STATE OF LOUISIANA-DIVISION OF ADMINISTRATION,
OFFICE OF COMMUNITY DEVELOPMENT,
DISASTER RECOVERY UNIT –
HAZARD MITIGATION GRANT PROGRAM

FILED

VS.

JUL 2 3 2015

ESSIE L. ROBERTSON AND GEORGE ROBERTSON

MALISE PRIETO- CLERK Deputy Saddie Mexican

VERIFICATION

CONSIDERING THE FOREGOING PETITION FOR RECOVERY OF HAZARD MITIGATION GRANT PROGRAM FUNDS:

I, CRAIG P. TAFFARO, JR., Director of the State of Louisiana's Hazard Mitigation Grant Program, declare under penalty of perjury that the representations made in the foregoing Petition are true and correct to the best of my knowledge, belief and understanding.

THUS DONE ON THIS 22^{NQ} DAY OF July 2015 IN NEW ORLEANS, LOUISIANA.

Craig P. Taffato, Jr.

La Koshia Reconda Roberts

Notary Public Bar Roll No. 26715

My Commission expires at death.

PLEASE SERVE:

ESSIE L. ROBERTSON 2648 5TH STREET SLIDELL, LA 70458

AND

GEORGE ROBERTSON 2648 5TH STREET SLIDELL, LA 70458

2015-13020



OCD-DRU HAZARD MITIGATION PROGRAM

VOLUNTARY PARTICIPATION AGREEMENT (VPA)
Complete and return this form by small tio?

OCD-DRU HMGP Program P. O. Box 1089 Harrymond, 1A 70401-1089 JUL 2 3 2015

MALISE PRIETO-CLER Deputy Fladdie nodelan

Road Home # 06HH 112 780

SECTION 1: Mitigation ELECTION (check one)

☐ I/We have sold the home that was damaged during the storm and therefore will not be participating in the OCD-DRU HMGP Award Program.

☐ 1/We am not interested in receiving an OCD-DRU HMGP Award
IF YOU CHECKED EITHER OF THE ABOVE: SIGN BELOW AND RETURN THIS FORM, OTHERWISE CONTINUE.

Kober +SON

One: (985) 605-3359

Are you signing as an agent with Power of Attorney (POA) for an applicant? YES NO If signing as agent with Power of Attorney:

Agent NAME (person with PDA)

Agent SKSNATURE

I/WE AM/ARE INTERESTED IN RECEIVING AN OCD-DRU HMGP AWARD. IF YOU CHECK THIS BOX, YOU WEED TO MEET ALL CRITERIA IN SECTION 2.

SECTION 2: PROGRAM ELIGIBILITY

A homeowner must meet ALL of the following criteria to be considered for the OCD-DRU HINGS award:

- a. Applicant is eligible for Road Home Program benefits as part of the Homeowner Assist (NOTE: Even if a homeowner received a zero award letter from Road Home, that homeowner may still be eligible for money through the OCD-DRU HMGP.
- b. Homeowner selected Road Hame Option 1 "Keep Our Home".
- c. Homeowner still owns the home that was eligible for Road Home benefits.
- d. The structure is located in a FEMA designated ABFE area or the mitigation activity is deemed cost beneficial according to FEMA guidelines. (IMMs are not required to undergo a cost benefit analysis since FEMA has determined all IMMs to be globally cost beneficial for this grant.
- e. Homeowner agrees to comply with all OCD-DRU HMGP guidelines.

04/15/2010 4:20PM (GMT-05:00)

OUR1

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SECTION S: I AM INTERESTED IN	PARTICIPATING IN THE F	OLLOWING PROGRAM/5:	
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SECTION 4: VPA STATEMENT O	COMPENSACE	11 -12	A
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municipal address:			ما و المال ا
2648 5th ste	Slide II. 19.	51 Jammany	70958 (the "Property").
Street	City	Latest"	
I/We currently plan to participa	te in the OCD-DRU HMGP	Program. I/We understand the	at participation in OCD-DRU
HMGP Program and understand	that:		l)
The program is voluntary	y in nature;		
» I/We are under no obli	the many and an and the same the	fore receiving an award:	
 I/We may drop out of t 	the program at any time be	res, homeowner must compl	ete measures and request
 The program relimburse 	s cost of mitigation measu	rest tomeoutlet mest could.	
reimbursement from O • Oue to limited funding	IMM will be serviced on a	"first come, first serve" basis	until all funding is exhausted.
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Conveyance Records in the pa	rish where the property is	located.	
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Payee Locations

Payee Search

Payee Detail

Payments

Help

Page 1 of

1 23 P 12

Sort the information below by clicking on the column headers. Click on the agency number below for contact information. 2648 FIFTH ST SLIDELL, LA 70458 Payee Remittance Address: Status Change Date: 05/25/2010 Check/EFT Number: EF 00000491127 Check/EFT Date: 05/25/2010 Status: Cleared

Check/EFT Line Details:

(click on agency for contact information)

Check/EFT Total: 9,475.50

Invoice # Comments | Line Amount

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Total Number of Lines: 1

Agency

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Ref Doc ID

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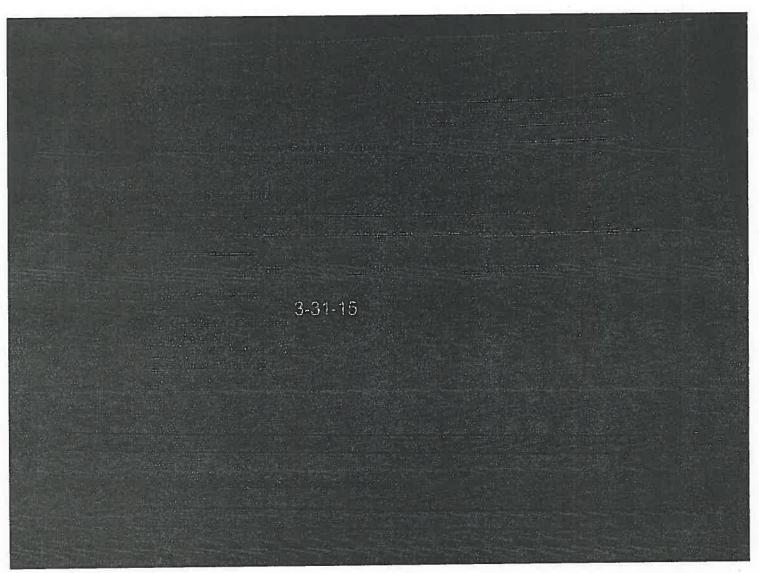
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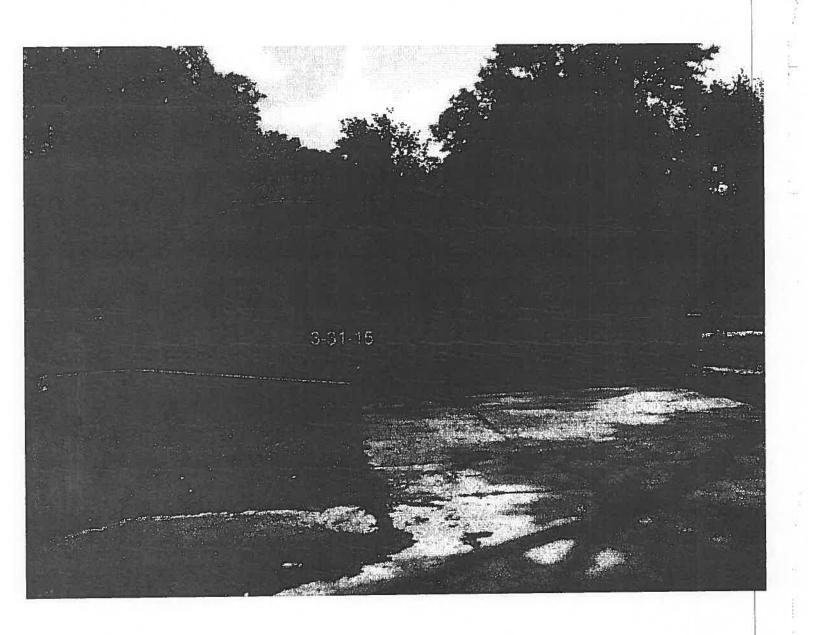
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Deputy Staldie Frontan



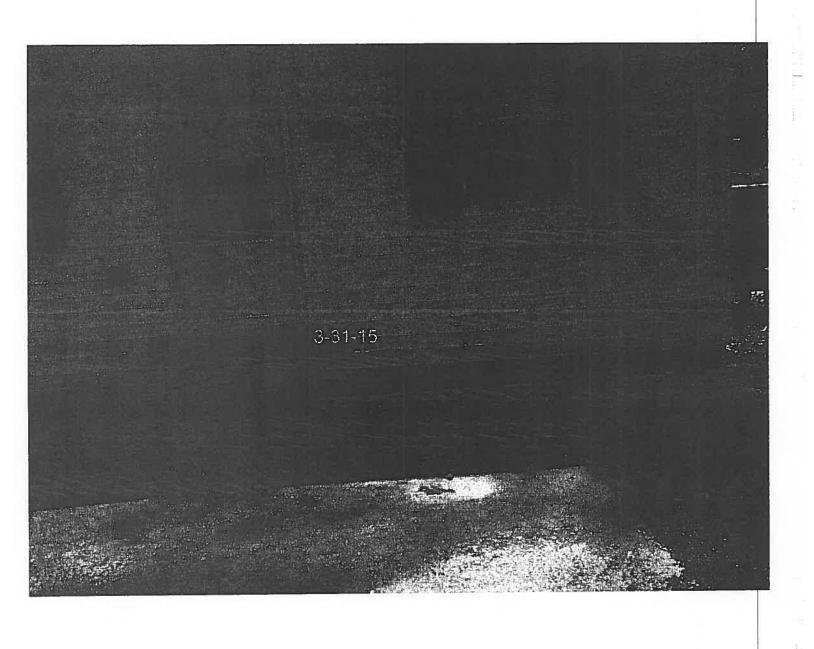


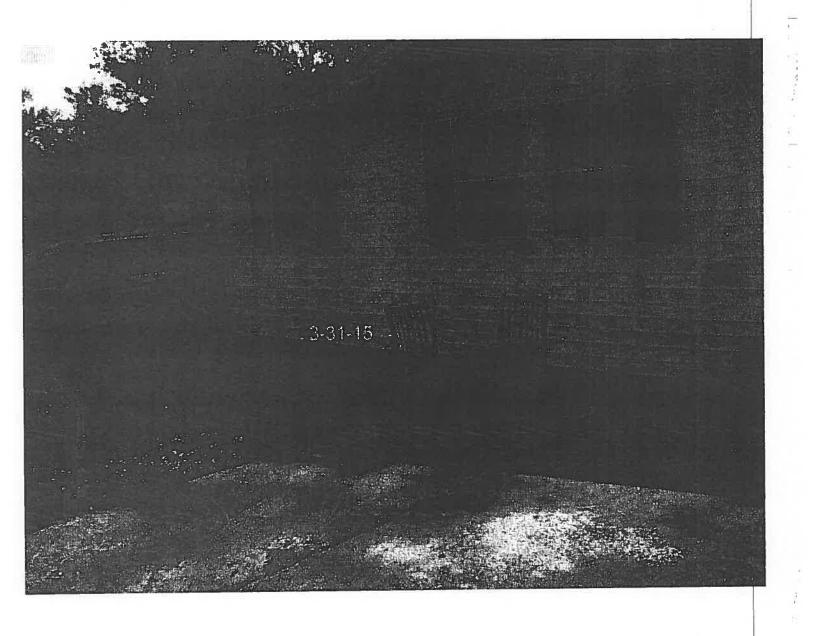


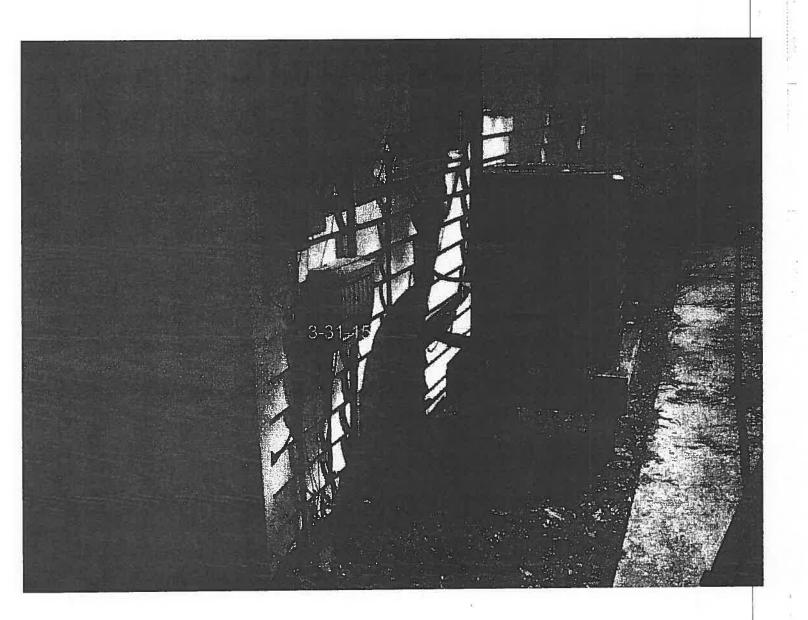


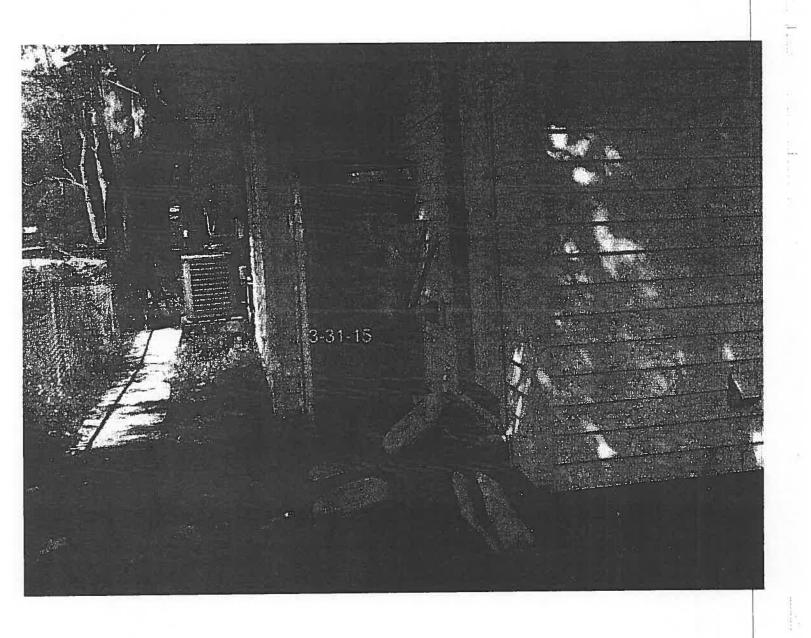


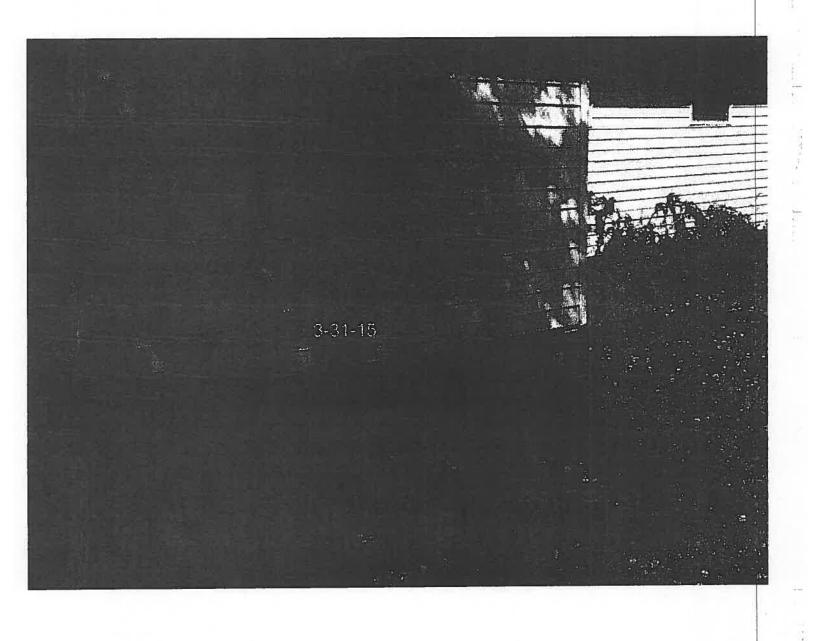


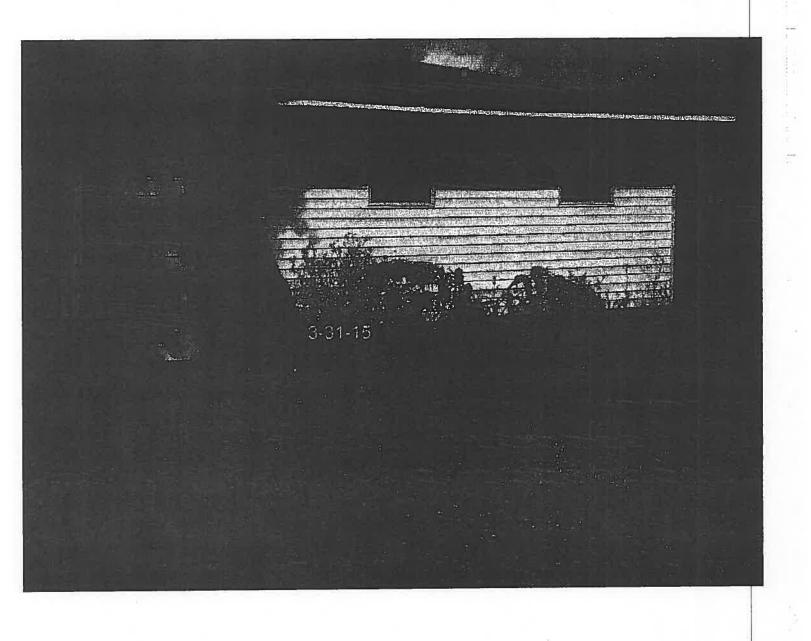


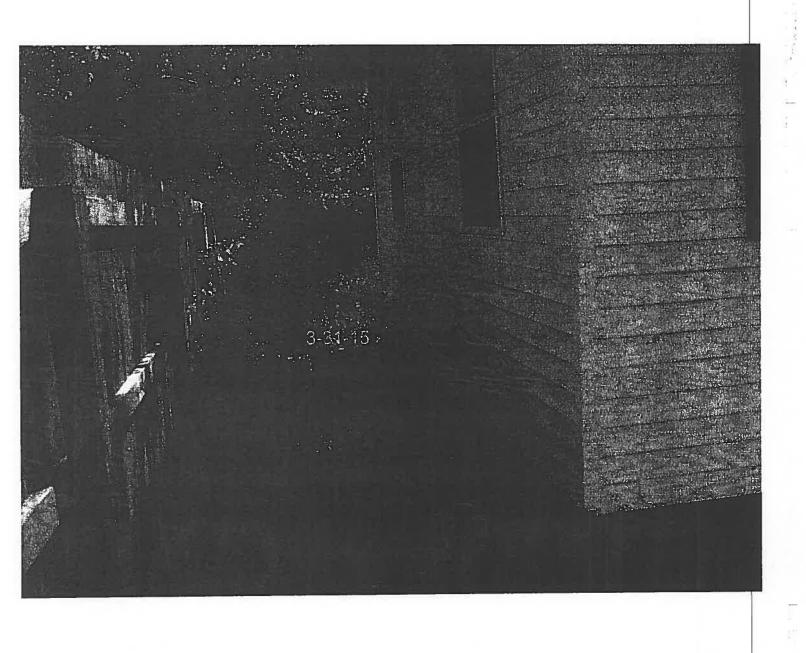


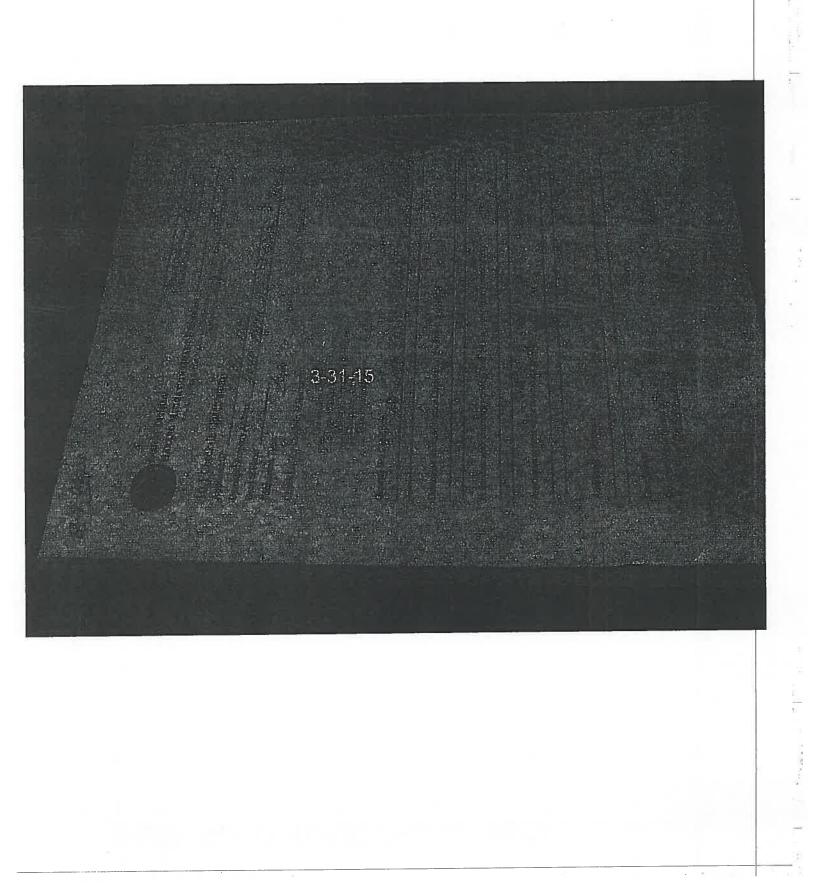














State of Louisiana

HAZARD MITIGATION GRANT PROGRAM

P.O. Box 5098 • BATON ROUGE, LA 70821-5098 • TOLL FREE (877) 824-8312 • FAX 225-330-0846 • hazardmitigation@mitigatela.org

June 12, 2013

Road Home ID: 06HH112780

ESSIE L ROBERTSON 2648 5TH STREET SLIDELL, LA 70458

2015-13020B

JUL 2 3 2015

MALISE PRIETO-CLERK

Deputy S/addie morelan

SUBJECT: Verification of Mitigation Grant Funds

Dear ESSIE L ROBERTSON:

A review has been completed on your Hazard Mitigation grant file in order to confirm you received the correct amount of grant funds. The grant requires that the homeowner meet specific requirements listed in the Alternative Payment Option Affidavit and Agreement. Failure to satisfy the conditions listed in the Alternative Payment Option Affidavit and Agreement and the OCD-DRU HMGP Covenant will place you in default of this agreement. In hopes that your input may prevent the need to seek a return of grant funds, please review the information below for accuracy and provide additional documentation as necessary.

Our review has determined that the following apply to your grant(s).

- Grant funds were not used for the purposes intended and/or in accordance with the policies of the Hazard Mitigation Grant Program.

Due to the determination noted above, your grant values have been adjusted:

HMGP Grant Funds Received		Adjusted HMGP Values		
Elevation Grant	\$9,475.50	Elevation Grant	\$0.00	
Individual Mitigation Measures (IMM)	\$0.00	Individual Mitigation Measures (IMM)	\$0.00	
Reconstruction Grant	\$0.00	Reconstruction Grant	\$0.00	
Total HMGP Funds Received	\$9,475.50	Total Hazard Mitigation Benefit	\$0.00	

Based on the calculations above, our records indicate that the overpayment of your Hazard Mitigation Grant 06HH112780 is \$9,475.50.

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CERTIFIED MAIL

7012 3050 0001 2091 4645

Please understand that the State of Louisiana remains committed to ensuring that your application was processed in an accurate and fair manner, and in accordance with all governing laws, rules, and policies. We have assigned Deidra Davis, a case manager in our office, to work with you in connection with this request for input. If you believe that the reason(s) stated above for the change of your grant amount is wrong, we need you to provide information for our consideration that shows the above finding is incorrect. Please return ATTACHMENT 1 (page 3 of this letter) with all supporting documentation to OCD for a final review.

Your response must be postmarked within thirty (30) days of the date at the top of this notification letter. If you have additional questions regarding this letter, please call 225-330-0719 or send email to deidra.davis@mitigatela.org for assistance.

If you agree with the finding that an overpayment has occurred, you can return the funds as provided in Attachment 1. If you are unable to provide a full payment at this time, please contact your case manager for further instructions.

We appreciate your assistance in connection with this request. Failure to respond will be interpreted as your confirmation of this calculation and determination, and may result in additional collection activities.

Sincerely,

Office of Community Development - HMGP

OCD-DRU HMGP is a federally-funded program. Providing false or intsteading hifornitation in an attempt to travoulently-obtain HMGP funds is a federal violation and will be prosecuted to the full extent of the law. Title 18, Section 1001 of the U.S. Code states that a person is guilty of a federally funded program, and willingly initiating false or traudulent statements to any department of the United States Government. Because this HMGP program is a federally funded program, applicants are subject to Title 18, Section 1001 of the U.S. Code.

The Office of Community Development, Bisaster Recovery Unit does not discriminate on the basis of reas, color, national origin, sex, age, religion of disability, and provides, upo request, reasonable accommodation, including auxiliary side and services, to allion an individual with a disability an equal opportunity to participate to all services, programs an activities. Any persons requiring special needs assistance should contact a Call Center Specialist, at (877) 824-8312 at least five business days prior to any software and an activities. Any persons requiring special needs assistance should contact a Call Center Specialist, at (877) 824-8312 at least five business days prior to any software and activities. And the contact are contact and activities are contact an

Attachment 1

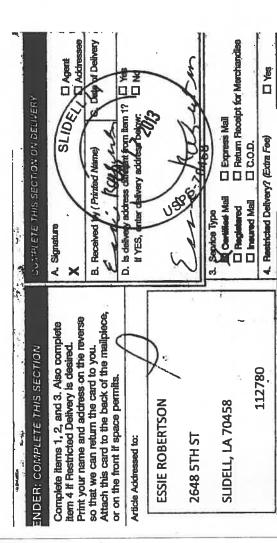
THIS FORM MUST BE SIGNED BY THE BELOW NAMED APPLICANT AND RETURNED BY MAIL TO THE OFFICE OF COMMUNITY DEVELOPMENT ON OR BEFORE July 17, 2013.

Road Home ID: 06HH112780

ESSIE L ROBERTSON 2648 5TH STREET SLIDELL, LA 70458

Case Manager: Deidra Davis Please select one (1) option below. This form must be returned within thirty (30) days of the date on this letter. I have elected to return the overpayment to the Office of Community Development, Disaster Recovery Unit. I have enclosed my certified check, made payable to "Louisiana Division of Administration - DRU", in the amount of \$9,475.50 mailed to: mailed to: Division of Administration Office of Community Development Hazard Mitigation Grant Program Finance Department P.O. Box 706 Baton Rouge, Louisiana 70821 I agree with the finding that an overpayment has occurred but cannot make full payment at this time. Please have my case manager contact me. My proposed repayment plan is attached. I disagree with the finding of an overpayment of my Hazard Mitigation grant and have enclosed supporting documents. The following factors used to calculate my award are incorrect: PRINTED NAME: Date SIGNATURE:

I am not the primary applicant for this case. If checked, please state your relationship:



7012 3050 0001 2091 4645

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Article Number



State of Louisiana

HAZARD MITIGATION GRANT PROGRAM

P.O. Box 5098 • BATON ROUGE, LA 70821-5098 • TOLL FREE (877) 824-8312 • FAX 225-330-0846 • hazardmitigation@mitigatela.org

2/5/2015

ESSIE ROBERTSON 2648 FIFTH STREET SLIDELL, LA 70458

2015-13020 B

JUL 2 3 2015

MALISE PRIETO-CLERK Deputy Saldie Molan

Road Home ID: 06HH112780

SUBJECT: Final HMGP Collection Attempt

Dear ESSIE ROBERTSON,

The Hazard Mitigation Grant Program has previously informed you of the need to reconcile the grant funds that were disbursed to you for your specific mitigation activity. The Program has previously sent you correspondence regarding the need to reconcile these funds. Because you have not responded, either through the return of grant funds or by providing satisfactory proof of completion of the funded mitigation activity, you are hereby notified that the Hazard Mitigation Grant Program is required to pursue collection of all funds.

You should be aware that the Hazard Mitigation Grant Program will use all available resources to recoup the grant funds disbursed to you including, but not limited to, collection agency services, wage garnishments, civil action, and income tax return liens.

This is the last correspondence you will receive from the Program in an attempt to collect these funds. If you fail to return the \$9,475.50 owed to the State within five (5) calendar days your file will then be referred to the appropriate agencies for collection efforts as well as review for potential criminal violations. All future correspondence will be directly from the appropriate collection agency. A table has been attached describing the grant funds received and the related activity for those funds.

You may stop the above actions by immediately contacting the Hazard Mitigation Grant Program at (50\square) 284-4067 to make acceptable repayment arrangements. Once your file has been referred for collection, your about to reconcile the funds directly with the Program will end.

Respectfully,

Craig P. Taffaro, Jr.

Director, Hazard Mitigation Grant Program

and Recovery Coordination

Enclosure

OCD-DRU HMGP is a federally-funded program. Providing false or misleading information in an attempt to fraudulently obtain HMGP funds is a federal violation and will be prosecuted to the full extent of the law. Title 18, Section 1001 of the U.S. Code states that a person is guilty of a felony for knowingly and willingly making false or fraudulent statements to any department of the United States Government, Because the HMGP program is a federally funded program, applicants are subject to Title 18, Section 1001 of the U.S. Code.

The Office of Community Development Disaster Recovery Unit does not discriminate on the basis of race, color, national origin, sex, age, religion or disability, and provides, upon request, reasonable accommodation, including auxiliary aids and services, to afford an individual with a disability an equal opportunity to participate in all services, programs and activities. Any persons requiring special needs assistance should contact a Call Center Specialist, at (877) 824-8312 at least five business days prior to any scheduled meeting. The TOO number for the hearing impaired is 1-800-845-5277, Additional Information regarding the use of the Louisiana Relay service can be found at the following link: http://www.hamiltonrelay.com/uslates/la_howto.htm.

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AN EQUAL OPPORTUNITY EMPLOYER



State of Louisiana

HAZARD MITIGATION GRANT PROGRAM

P.O. Box 5098 • BATON ROUGE, LA 70821-5098 • TOLL FREE (877) 824-8312 • FAX 225-330-0846 • hazardmitigation@mitigatela.org

Our review has determined that the following apply to your Elevation grant(s) because the applicant performed no mitigation activity and provided no proof of payment:

HMGP Grant Funds Receive		Adjusted HMGP Values	
Elevation Grant	\$9,475.50	Elevation Grant	\$9,475.50
Individual Mitigation Measures (IMM)	\$ 0.00	Individual Mitigation Measures (IMM)	\$ 0.00
Reconstruction Grant	\$ 0.00	Reconstruction Grant	\$ 0.00
Total HMGP Funds Received	\$9,475.50	Total Hazard Mitigation Benefit	\$9,475.50

Based on the calculations above, our records indicate that the overpayment of your Hazard Mitigation Grant 06HH112780 is \$9,475.50.

Payment should be delivered to the following address:

State of Louisiana Hazard Mitigation Grant Program 2021 Lakeshore Drive, Suite 100 New Orleans, La. 70122 2015-130203



JUL 2 8 2015



State of Louisiana

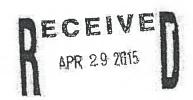
MALISE PRIETO-CLERK Deputy S/addie Troala

HAZARD MITIGATION GRANT PROGRAM

2021 LAKESHORE DRIVE, SUITE 100, NEW ORLEANS, LA 70122 • PHONE: 504-284-4020

April 13, 2015

06HH112780 ESSIE ROBERTSON 2648 FIFTH STREET SLIDELL LA 70458



Re: Collection of Outstanding Debt in the Amount of \$9,475.50

Dear ESSIE ROBERTSON:

This letter is pursuant to your agreement to voluntarily participate in the State of Louisiana's Hazard Mitigation Grant Program ("HMGP") and to comply with all HMGP and Federal Emergency Management Agency ("FEMA") rules and guidelines, which includes the proper use of Federal grant funds for the mitigation of your home located at 2648 FIFTH STREET SLIDELL.

You have been notified on multiple occasions via demand letters about your debt owed to HMGP in the amount of \$9,475.50. However, you have continuously disregarded these notices. You have also been given the opportunity to execute a re-payment agreement which would allow you to satisfy your debt within an agreed upon timeframe and at an agreed monthly amount. However, as of this date, you have failed to and/or refused to execute a re-payment agreement.

If payments have been paid pursuant to a payment agreement, then you should immediately contact the Program to verify the amount currently owed to the Program.

Please know that litigation and/or prosecution will be instituted against you for the collection of your unresolved debt.

Sincerely,

La Koshia R. Roberts
Attorney for HMGP